

**Changes to legislation:** Planning Act 2008, Part 1 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5 E+W+S

PROVISION RELATING TO, OR TO MATTERS ANCILLARY TO, DEVELOPMENT

PART 1 E+W+S

THE MATTERS

1 The acquisition of land, compulsorily or by agreement.

Commencement Information

I1 Sch. 5 para. 1 in force at 1.3.2010 by S.I. 2010/101, art. 3(e) (with art. 6)

2 The creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement.

Commencement Information

I2 Sch. 5 para. 2 in force at 1.3.2010 by S.I. 2010/101, art. 3(e) (with art. 6)

3 The abrogation or modification of agreements relating to land.

Commencement Information

I3 Sch. 5 para. 3 in force at 1.3.2010 by S.I. 2010/101, art. 3(e) (with art. 6)

4 Carrying out specified excavation, mining, quarrying or boring operations in a specified area.

Commencement Information

I4 Sch. 5 para. 4 in force at 1.3.2010 by S.I. 2010/101, art. 3(e) (with art. 6)

5 The operation of a generating station.

Commencement Information

I5 Sch. 5 para. 5 in force at 1.3.2010 by S.I. 2010/101, art. 3(e) (with art. 6)

6 Keeping electric lines installed above ground.

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#### Commencement Information

**I6** Sch. 5 para. 6 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

7 The use of underground gas storage facilities.

#### Commencement Information

**I7** Sch. 5 para. 7 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

8 The sale, exchange or appropriation of Green Belt land.

#### Commencement Information

**I8** Sch. 5 para. 8 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

9 Freeing land from any restriction imposed on it by or under the Green Belt (London and Home Counties) Act 1938 (c. xciii), or by a covenant or other agreement entered into for the purposes of that Act.

#### Commencement Information

**I9** Sch. 5 para. 9 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

10 The protection of the property or interests of any person.

#### Commencement Information

**I10** Sch. 5 para. 10 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

11 The imposition or exclusion of obligations or liability in respect of acts or omissions.

#### Commencement Information

**I11** Sch. 5 para. 11 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

12 Carrying out surveys or taking soil samples.

#### Commencement Information

**I12** Sch. 5 para. 12 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

13 Cutting down, uprooting, topping or lopping trees or shrubs or cutting back their roots.

#### Commencement Information

**I13** Sch. 5 para. 13 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

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14 The removal, disposal or re-siting of apparatus.

**Commencement Information**

**I14** Sch. 5 para. 14 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

15 Carrying out civil engineering or other works.

**Commencement Information**

**I15** Sch. 5 para. 15 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

16 The diversion of navigable or non-navigable watercourses.

**Commencement Information**

**I16** Sch. 5 para. 16 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

17 The stopping up or diversion of highways.

**Commencement Information**

**I17** Sch. 5 para. 17 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

18 Charging tolls, fares [<sup>F1</sup>(including penalty fares)] and other charges.

**Textual Amendments**

**F1** Words in [Sch. 5 para. 18](#) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 71\(2\)](#); [S.I. 2012/628](#), **art. 7(a)**

**Commencement Information**

**I18** Sch. 5 para. 18 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

19 The designation of a highway as a trunk road or special road.

**Commencement Information**

**I19** Sch. 5 para. 19 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

20 The specification of the classes of traffic authorised to use a highway.

**Commencement Information**

**I20** Sch. 5 para. 20 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

21 The appropriation of a highway for which the person proposing to construct or improve a highway is the highway authority.

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**Commencement Information**  
**I21** Sch. 5 para. 21 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

22 The transfer to the person proposing to construct or improve a highway of a highway for which that person is not the highway authority.

**Commencement Information**  
**I22** Sch. 5 para. 22 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

23 The specification of the highway authority for a highway.

**Commencement Information**  
**I23** Sch. 5 para. 23 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

24 The operation and maintenance of a transport system.

**Commencement Information**  
**I24** Sch. 5 para. 24 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

25 Entering into an agreement for the provision of police services.

**Commencement Information**  
**I25** Sch. 5 para. 25 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

26 The discharge of water into inland waters or underground strata.

**Commencement Information**  
**I26** Sch. 5 para. 26 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

<sup>F2</sup>27 . . . . .

**Textual Amendments**  
**F2** Sch. 5 paras. 27-30 repealed (6.4.2011) by [Marine and Coastal Access Act 2009](#) (c. 23), s. 324(3), Sch. 8 para. 4(7)(c), **22 Pt. 2** (with s. 111); [S.I. 2011/556](#), art. 3(2)(a)(d)

<sup>F2</sup>28 . . . . .

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[<sup>F3</sup>30A Deeming a marine licence under Part 4 of the Marine and Coastal Access Act 2009 to have been given by the Secretary of State [<sup>F4</sup>or the Welsh Ministers] for activities specified in the order and subject to such conditions as may be specified in the order.

**Textual Amendments**

- F3** Sch. 5 paras. 30A, 30B inserted (12.11.2009 for specified purposes, 6.4.2011 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d), [Sch. 8 para. 4\(5\)](#) (with s. 111); [S.I. 2011/556](#), art. 3(2)(a)
- F4** Words in Sch. 5 paras. 30A, 30B inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 76](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

30B Deeming any such conditions to have been attached to the marine licence by the Secretary of State [<sup>F4</sup>or the Welsh Ministers] under that Part.]

**Textual Amendments**

- F3** Sch. 5 paras. 30A, 30B inserted (12.11.2009 for specified purposes, 6.4.2011 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d), [Sch. 8 para. 4\(5\)](#) (with s. 111); [S.I. 2011/556](#), art. 3(2)(a)
- F4** Words in Sch. 5 paras. 30A, 30B inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 76](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

31 The creation of a harbour authority.

**Commencement Information**

**I27** Sch. 5 para. 31 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

32 Changing the powers and duties of a harbour authority.

**Commencement Information**

**I28** Sch. 5 para. 32 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

[<sup>F5</sup>32A The making of byelaws by any person and their enforcement.

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#### Textual Amendments

**F5** [Sch. 5 paras. 32A, 32B](#) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 71\(3\)](#); [S.I. 2012/628](#), art. 7(a)

- 32B (1) The creation of offences within sub-paragraph (2) in connection with—
- (a) non-payment of tolls, fares or other charges,
  - (b) a person's failure to give the person's name or address in accordance with provision relating to penalty fares,
  - (c) enforcement of byelaws, or
  - (d) construction, improvement, maintenance or management of a harbour.
- (2) An offence is within this sub-paragraph if—
- (a) it is triable only summarily,
  - (b) a person guilty of the offence is not liable to imprisonment, and
  - (c) any fine to which a person guilty of the offence may be liable cannot be higher than level 3 on the standard scale.]

#### Textual Amendments

**F5** [Sch. 5 paras. 32A, 32B](#) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 71\(3\)](#); [S.I. 2012/628](#), art. 7(a)

- 33 The transfer of property, rights, liabilities, or functions.

#### Commencement Information

**I29** [Sch. 5 para. 33](#) in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 34 The transfer, leasing, suspension, discontinuance and revival of undertakings.

#### Commencement Information

**I30** [Sch. 5 para. 34](#) in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 35 The payment of contributions.

#### Commencement Information

**I31** [Sch. 5 para. 35](#) in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 36 The payment of compensation.

#### Commencement Information

**I32** [Sch. 5 para. 36](#) in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 37 The submission of disputes to arbitration.

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**I33** Sch. 5 para. 37 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

38 The alteration of borrowing limits.

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**Commencement Information**

**I34** Sch. 5 para. 38 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)